

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ASSOCIATION INSURANCE
MANAGEMENT, INC., et al.,**

Plaintiffs,

v.

**TLS MANAGEMENT AND
MARKETING SERVICES, LLC, et al.,**

Defendants.

Civil No. 18-1999 (ADC)

OPINION AND ORDER

Defendants removed this case from the Court of First Instance, San Juan Part, asserting this Court's diversity jurisdiction. **ECF No. 1.** Plaintiffs timely filed a motion to remand. **ECF No. 7.** Defendants opposed, **ECF No. 9,** and plaintiffs filed a surreply with leave of the Court, **ECF No. 13.** For the following reasons, the Court **GRANTS** the motion for remand. **ECF No. 7.**

"A civil action otherwise removable solely on the basis of" diversity jurisdiction under 28 U.S.C. § 1332(a), "may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." 28 U.S.C. § 1441(b)(2). This "forum defendant rule precludes removal on the basis of diversity jurisdiction." *DHLNH, LLC v. International Brotherhood of Teamsters, Local 251*, 319 F. Supp.3d 604, 606 (D.R.I. Jun. 18, 2018); accord *Sugar Corp of P.R. v. Environeering, Inc.*, 520 F. Supp. 996, 998 (D.P.R. Aug. 24, 1981); *Kane v. Republica de Cuba*, 211 F. Supp. 855, 855 (D.P.R. Dec. 19, 1962)

(noting that removal from state courts to federal courts is “purely statutory,” and that “[t]he Commonwealth of Puerto Rico is considered a state for [removal] purposes”).

Although, co-plaintiff Elgin Allen’s jurisdictional citizenship is disputed by the parties as either Texas or Puerto Rico, defendants definitively assert, and the plaintiffs agree, that defendants are not based in Texas and are based in Puerto Rico. **ECF Nos. 1** at 2; **1-2; 7; 9-1; 13; 13-3**. See generally *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54 (1st Cir. 2006) (noting that citizenship of a limited liability company “is determined by the citizenship of all of its members”). Accordingly, the Court finds that the forum defendant rule precludes defendants’ removal of plaintiffs’ case from Puerto Rico state court. The motion for remand is **GRANTED**. **ECF No. 7**. Clerk of Court shall enter judgment accordingly. Parties are to bear their own costs and attorney fees.

SO ORDERED.

At San Juan, Puerto Rico, on this 12th day of March, 2019.

S/AIDA M. DELGADO-COLÓN
United States District Judge